

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on May 8, 2008.

Accordingly, claim 46 was amended. Claims 1-16, 24, 26-45 and 50 were previously canceled.

Currently, claims 46-49 and 51-57 are active and claims 17-23, 25, 58 and 59 remain withdrawn from consideration as being directed to a non-elected invention.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Venglarik on June 21, 2008.

The application has been amended as follows:

In the Claims:

Please cancel claims 17-23, 25, 58 and 59.

Allowable Subject Matter

Claims 46-49 and 51-57 are allowed.

The following is an examiner's statement of reasons for allowance: none of the prior art of record, taken alone or in combination, fairly shows or suggests all the limitations as claimed.

Re claim 1, none of the prior art of record discloses the following limitations in combination with the rest of the limitations in the claim: wherein the gate structure has a peripheral edge and further including an uplift in portions of the nitride layer proximate the peripheral edge of the gate structure, the uplift caused by during reoxidation of the polysilicon layer within the gate structure, wherein asperities that increase an electric field at the peripheral edge during operation are absent from a bottom surface of the polysilicon layer and a thickness of an oxidation layer produced by said reoxidation is from about 25 Angstroms to about 500 Angstroms on said substrate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Duong whose telephone number is (571) 272-1836. The examiner can normally be reached on Monday-Friday from 8:30-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith, can be reached on (571) 272-2429. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2822

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/Zandra V. Smith/
Supervisory Patent Examiner, Art Unit
2822

KBD